

AMENDED IN SENATE MAY 13, 2004

AMENDED IN SENATE APRIL 22, 2004

SENATE BILL

No. 1084

Introduced by Senator Torlakson

January 5, 2004

An act to amend Section 97.1 of the Streets and Highway Code, and to add Section 42010 to the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as amended, Torlakson. Highways: Safety Enhancement-Double Fine Zones.

Under existing law, until January 1, 2006, the segment of State Highway Route 101 between the Eureka Slough Bridge and the Gannon Slough Bridge in Arcata is designated a Safety Enhancement-Double Fine Zone.

This bill would extend this designation indefinitely, and would increase fines for certain traffic violations that take place in a Safety Enhancement-Double Fine Zone. The bill would also designate as Safety Enhancement-Double Fine Zones the segment of Vasco Road between the Interstate 580 junction in Alameda County and the Walnut Boulevard intersection in Contra Costa County and the segment of State Highway Route 101 that is the Golden Gate Bridge, ~~and upon approval of local resolutions designating them as such.~~ The bill would, thus, subject those segments to the provisions requiring increased fines for traffic violations in a Safety Enhancement-Double Fine Zone.

~~Because it would impose a new duty on Contra Costa County and on the Golden Gate Bridge, Highway and Transportation District relating~~

~~to the placement of warning signs, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 97.1 of the Streets and Highways Code
2 is amended to read:

3 97.1. (a) The following highway segments are Safety
4 Enhancement-Double Fine Zones:

5 (1) The five-mile segment of State Highway Route 101,
6 between the Eureka Slough Bridge No. 4-22 and the Gannon
7 Slough Bridge No. 4-24 in Arcata.

8 (2) ~~The~~ *Upon approval of a resolution designating it as a*
9 *Safety Enhancement-Double Fine Zone by the Contra Costa*
10 *County Board of Supervisors, the* segment of county highway
11 known as Vasco Road, between the Interstate 580 junction in
12 Alameda County and the Walnut Boulevard intersection in Contra
13 Costa County.

14 (3) ~~The~~ *Upon approval of a resolution designating it as a*
15 *Safety Enhancement-Double Fine Zone by the Board of Directors*
16 *for the Golden Gate Bridge District, the* 1.73-mile segment of
17 State Highway Route 101 that is the Golden Gate Bridge.

18 (b) The Safety Enhancement-Double Fine Zones described in
19 subdivision (a) are subject to the rules and regulations adopted by
20 the department prescribing uniform standards for warning signs to
21 notify motorists that, pursuant to Section 42010 of the Vehicle
22 Code, increased penalties apply for traffic violations that are

1 committed within a Safety Enhancement-Double Fine Zone. The
2 department or the local authority having jurisdiction over this
3 highway segment shall place and maintain the warning signs
4 identifying this highway by stating that a “Special Safety Zone
5 Region Begins Here” and a “Special Safety Zone Ends Here.”

6 (c) Designation of the highway segments in subdivision (a) as
7 Safety Enhancement-Double Fine Zones does not increase the
8 civil liability of the state or local authority having jurisdiction over
9 the highway segment under Division 3.6 (commencing with
10 Section 810) of Title 1 of the Government Code or any other
11 provision of law relating to civil liability.

12 (d) (1) Only the base fine shall be enhanced pursuant to this
13 section.

14 (2) Notwithstanding any other provision of law, any additional
15 penalty, forfeiture, or assessment imposed by any other statute
16 shall be based on the amount of the base fine before enhancement
17 or doubling and shall not be based on the amount of the enhanced
18 fine imposed pursuant to this section.

19 (e) The projects specified in subdivision (a) shall not be
20 elevated in priority for state funding purposes.

21 SEC. 2. Section 42010 is added to the Vehicle Code, to read:

22 42010. (a) For any offense specified in subdivision (b) that is
23 committed by the driver of a vehicle within an area that has been
24 designated as a Safety Enhancement-Double Fine Zone pursuant
25 to subdivision (a) of Section 97.1 of the Streets and Highways
26 Code, the fine, in a misdemeanor case, shall be double the amount
27 otherwise prescribed, and, in an infraction case, the fine shall be
28 one category higher than the penalty otherwise prescribed by the
29 uniform traffic penalty schedule established pursuant to Section
30 40310.

31 (b) A violation of any of the following provisions is an offense
32 that is subject to subdivision (a):

33 (1) Chapter 3 (commencing with Section 21650) of Division
34 11, relating to driving, overtaking, and passing.

35 (2) Chapter 7 (commencing with Section 22348) of Division
36 11, relating to speed limits.

37 (3) Section 23103, relating to reckless driving.

38 (4) Section 23104, relating to reckless driving that results in
39 bodily injury to another.

40 (5) Section 23109, relating to speed contests.

(6) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(7) Section 23153, relating to driving under the influence of alcohol or a controlled substance, which results in bodily injury to another.

(8) Section 23220, relating to drinking while driving.

(9) Section 23221, relating to drinking in a motor vehicle while on the highway.

(10) Section 23222, relating to driving while possessing an open alcoholic beverage container.

(11) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(12) Section 23224, relating to being a driver or passenger under the age of 21 possessing an open alcoholic beverage container.

(13) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(14) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.

(c) This section applies only when traffic controls or warning signs have been placed pursuant to Section 97.1 of the Streets and Highways Code.

(d) (1) Notwithstanding any other provision of law, the enhanced fine imposed pursuant to this section shall be based only on the base fine imposed for the underlying offense and shall not include any other enhancements imposed pursuant to law.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.

~~SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),~~

1 reimbursement shall be made from the State Mandates Claims
2 Fund.

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